

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff(s),
v.
DAVID KENT FITCH,
Defendant(s).

2:04-CR-262 JCM (PAL)

ORDER

15 Presently before the court is the matter of *United States v. Fitch*, case no. 2:04-cr-262-JCM-
16 PAL.

17 Petitioner David Fitch has filed a motion to vacate pursuant 28 U.S.C. § 2255. (Doc. # 319).
18 The motion, in part, alleges ineffective assistance of trial and appellate counsel. (*Id.*). On the
19 government's motions, this court waived the attorney-client privilege between petitioner and his
20 attorneys Lisa Rasmussen, Mario Valencia, and David Johnson so that the government may properly
21 respond. (Docs. ## 328, 332).

22 Before the government responded, Fitch filed a motion seeking an indefinite stay. (Doc. #
23 334). According to Fitch, he was preparing amendments to his petition when he was sexually
24 assaulted. (*Id.*). Fitch represents that the assault will necessitate surgery, and further that he does
25 not have access to his legal materials, he may be transferred, and he requests more time to prepare
26 his amendments. (*Id.*).

27 The government consents to a limited extension and requests that the briefing schedule be

1 stayed so that it may file one response.

2 Fitch is hereby ordered to file his amended petition no later than **August 4, 2014**. The
3 government shall thereafter have **30 (thirty) days** in which to file its response, and Fitch shall have
4 **30 (thirty) days** in which to file his reply.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the motion to stay (doc. #
7 334) be, and the same hereby is, GRANTED in part and DENIED in part, consistent with the
8 foregoing.

9 DATED June 6, 2014.

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12 **UNITED STATES DISTRICT JUDGE**
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